<u>IN THE CLAIMS</u>:

Please amend the claims as shown below. The claims, as pending in the subject application, read as follows:

1. (Currently Amended) A communicating apparatus for digitally encoding a speech signal by digital encoding means and sending the coded signal to an opponent station, thereby making VoIP speech communication and sending ~~and receiving~~ image data to/~~from~~ the opponent station, comprising:

discriminating means for discriminating whether the image data is sent to the opponent station through a gateway on an opponent station side; and

communication control means for, when <u>the</u> image data is sent to the opponent station,

~~if the opponent station has an IP address~~ in accordance with a result of said discriminating means that the image data is not sent through the gateway, selecting a first image communicating procedure by which the image data is not facsimile-modulated but sent ~~and received~~ to/~~from~~ the opponent station on an IP network on the basis of a predetermined IP communication protocol by using ~~the~~ <u>an</u> IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station, and

~~whenever the opponent station does not have the IP address~~ in accordance with a result of said discriminating means that the image data is sent through the gateway, selecting a second image communicating procedure by which the image data is facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal

obtained by said facsimile modulation is digitally encoded by said digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through ~~a media~~ the gateway ~~on an opponent station side~~ for executing analog/digital signal conversion between the IP network and a public line network,

wherein in said second image communicating procedure, the digital encoding method of said digital encoding means is switched to the digital encoding method suitable for said facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or the facsimile-modulated transmission image data is ~~inputted~~ to said digital encoding means.

2. (Canceled)

3. (Original) A communicating apparatus according to claim 1, wherein when the image data is sent to the opponent station, which one of said first and second image communicating procedures is used is determined by analyzing the telephone number of the opponent station.

4. (Original) A communicating apparatus according to claim 1, wherein in said VoIP speech communication, the digital encoding method of said digital encoding means is selected on the basis of negotiation which is performed on the basis of a VoIP protocol.

5. (Currently Amended) A control method [[of]] executed by a communicating apparatus for digitally encoding a speech signal by digital encoding means and sending the coded signal to an opponent station, thereby making VoIP speech communication and sending ~~and receiving~~ image data to~~/from~~ the opponent station, <u>the method comprising</u> ~~wherein:~~

<u>discriminating whether the image data is sent to the opponent station through a gateway on an opponent station side; and</u>

<u>a communicating control step of,</u> when <u>the</u> image data is sent to the opponent station,

~~if the opponent station has an IP address~~ <u>in accordance with a result of said discriminating step that the image data is not sent through the gateway,</u> ~~there is selected~~ <u>selecting</u> a first image communicating procedure by which the image data is not facsimile-modulated but sent ~~and received to/from~~ <u>to</u> the opponent station on an IP network on the basis of a predetermined IP communication protocol by using ~~the~~ <u>an</u> IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station, and

~~whenever the opponent station does not have the IP address~~ <u>in accordance with a result of said discriminating step that the image data is sent through the gateway,</u> ~~there is selected~~ <u>selecting</u> a second image communicating procedure by which the image data is facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal obtained by said facsimile modulation is digitally encoded by said digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through ~~a media~~ <u>the</u> gateway ~~on an~~

- 4 -

~~opponent station side~~ for executing analog/digital signal conversion between the IP network and a public line network,

wherein in said second image communicating procedure, the digital encoding method of said digital encoding means is switched to the digital encoding method suitable for said facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or facsimile-modulated transmission image data is inputted to said digital encoding means.

6. (Canceled)

7. (Original) A control method of the communicating apparatus according to claim 5, wherein when the image data is sent to the opponent station, which one of said first and second image communicating procedures is used is determined by analyzing the telephone number of the opponent station.

8. (Original) A control method of the communicating apparatus according to claim 5, wherein in said VoIP speech communication, the digital encoding method of said digital encoding means is selected on the basis of negotiation which is performed on the basis of a VoIP protocol.

9. (Currently Amended) A <u>non-transitory</u> computer-readable storage medium on which is encoded a control program [[of]] <u>to be executed by</u> a communicating apparatus for digitally encoding a speech signal by digital encoding means and sending the

coded signal to an opponent station, thereby making VoIP speech communication and sending ~~and receiving~~ image data to~~/from~~ the opponent station, <u>the program</u> comprising:

<u>a discriminating step of discriminating whether the image data is sent to the opponent station through a gateway on an opponent station side; and</u>

a <u>communicating</u> control step of, when <u>the</u> image data is sent to the opponent station,

~~if the opponent station has an IP address~~ <u>in accordance with a result of said discriminating step that the image data is not sent through the gateway</u>, selecting a first image communicating procedure by which the image data is not facsimile-modulated but sent ~~and received~~ to~~/from~~ the opponent station on an IP network on the basis of a predetermined IP communication protocol by using ~~the~~ <u>an</u> IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station, and

~~whenever the opponent station does not have the IP address~~ <u>in accordance with a result of said discriminating step that the image data is sent through the gateway</u>, selecting a second image communicating procedure by which the image data is facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal obtained by said facsimile modulation is digitally encoded by said digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through ~~a media~~ <u>the</u> gateway ~~on an opponent station side~~ for executing analog/digital signal conversion between the IP network and a public line network,

wherein in said second image communicating procedure, the digital encoding method of said digital encoding means is switched to the digital encoding method suitable for said facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or facsimile-modulated transmission image data is inputted to said digital encoding means.

10. (Canceled)

11. (Previously Presented) A computer-readable storage medium according to claim 9, wherein when the image data is sent to the opponent station, which one of said first and second image communicating procedures is used is determined by analyzing the telephone number of the opponent station.

12. (Previously Presented) A computer-readable storage medium according to claim 9, wherein in said VoIP speech communication, the digital encoding method of said digital encoding means is selected on the basis of negotiation which is performed on the basis of a VoIP protocol.

13. (Previously Presented) A communicating apparatus according to claim 1, wherein in the second image communication procedure, said communication control means switches the digital encoding method of said digital encoding means to a digital encoding method suitable for said facsimile modulating method, and causes said digital

encoding mans to digitally encode an analog facsimile signal obtained by said facsimile modulation.

14. (Previously Presented) A control method of communicating apparatus according to claim 5, wherein in the second image communication procedure, the digital encoding method of said digital encoding means is switched to a digital encoding method suitable for said facsimile modulating method, and said digital encoding means digitally encodes an analog facsimile signal obtained by said facsimile modulation.

15. (Previously Presented) A computer-readable storage medium according to claim 9, wherein in the second image communication procedure, the digital encoding method of said digital encoding means is switched to a digital encoding method suitable for said facsimile modulating method, and said digital encoding means digitally encodes an analog facsimile signal obtained by said facsimile modulation.